
TITLE 329 SOLID WASTE MANAGEMENT DIVISION

NOTICE OF READOPTION
IC 13-14-9.5 FIRST NOTICE OF COMMENT PERIOD
LSA Document #19-249

READOPTON OF RULES IN TITLE 329 UNDER IC 13-14-9.5**PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on the readoption of rules in Title 329 of the Indiana Administrative Code under IC 13-14-9.5.

RULES TO BE READOPTED:

329 IAC 7.1-2-5	"Geologically sensitive area" defined
329 IAC 7.1-2-9	"No further action letter" defined
329 IAC 7.1-4	Assessment of Hazardous Substances Response Sites
329 IAC 8	HOUSEHOLD HAZARDOUS WASTE GRANTS PROGRAM
329 IAC 10-9-2	Municipal solid waste landfill waste criteria
329 IAC 10-9-3	Construction/demolition site waste criteria
329 IAC 10-9-4	Restricted waste sites waste criteria
329 IAC 10-9-5	Nonmunicipal solid waste landfill waste criteria
329 IAC 10-24	Restricted Waste Sites Type I and Type II and Nonmunicipal Solid Waste Landfills; Additional Application Requirements to 329 IAC 10-11
329 IAC 10-25	Restricted Waste Sites Type I and Type II and Nonmunicipal Solid Waste Landfills; Location Restrictions
329 IAC 10-26	Restricted Waste Sites Type I and Type II and Nonmunicipal Solid Waste Landfills; Liner System Design Standards and Height Increases
329 IAC 10-27	Restricted Waste Sites Type I and Type II and Nonmunicipal Solid Waste Landfills; Operation Approval and Preoperational Requirements
329 IAC 10-28	Restricted Waste Sites Type I and Type II and Nonmunicipal Solid Waste Landfills; Operational Requirements
329 IAC 10-29	Restricted Waste Sites Type I and Type II and Nonmunicipal Solid Waste Landfills; Ground Water Monitoring and Corrective Action
329 IAC 10-30	Restricted Waste Sites Type I and Type II and Nonmunicipal Solid Waste Landfills; Closure Requirements
329 IAC 10-31	Restricted Waste Sites Type I and Type II and Nonmunicipal Solid Waste Landfills; Post-Closure Requirements
329 IAC 10-32	Restricted Waste Site Type III and Construction/Demolition Sites; Additional Application Requirements to 329 IAC 10-11
329 IAC 10-33	Restricted Waste Site Type III and Construction/Demolition Sites; Location Restrictions
329 IAC 10-34	Restricted Waste Site Type III and Construction/Demolition Sites; Liner System Design Standards
329 IAC 10-35	Restricted Waste Site Type III and Construction/Demolition Sites; Operation Approval and Preoperational Requirements
329 IAC 10-36	Restricted Waste Site Type III and Construction/Demolition Sites; Operational Requirements
329 IAC 10-37	Restricted Waste Site Type III and Construction/Demolition Sites; Closure Requirements
329 IAC 10-38	Restricted Waste Site Type III and Construction/Demolition Sites; Post-Closure Requirements
329 IAC 11-3	Exclusions
329 IAC 11-4	Previously Permitted Facilities Closed Prior to Effective Date of this Article; Responsibilities
329 IAC 11-5	Application of this Article to Existing Permittees and Facilities; Transition Provisions
329 IAC 11-8	Solid Waste Processing Facility Classifications and Waste Criteria
329 IAC 11-10	Action on Permit and Renewal Permit Applications
329 IAC 11-14	Solid Waste Processing Facilities; Quarterly Tonnage Reports
329 IAC 11-15	Miscellaneous Requirements Concerning Solid Waste Management
329 IAC 11.5	BIOMASS ANAEROBIC DIGESTION FACILITIES AND BIOMASS GASIFICATION FACILITIES
329 IAC 11.6	MOBILE HOME SALVAGING FACILITIES

329 IAC 11.7	ALTERNATIVE FUEL SOURCE
329 IAC 12-1	General Provisions
329 IAC 12-2-1	Definitions
329 IAC 12-2-18	"Incinerator" defined
329 IAC 12-2-21.1	"Interim operator" defined
329 IAC 12-2-27.1	"Operator" defined
329 IAC 12-2-31	"Processing" defined
329 IAC 12-2-41	"Site" defined
329 IAC 12-2-47	"Solid waste processing facility" defined
329 IAC 12-4	Collection Container Systems
329 IAC 12-7-8	Duplicate certificate
329 IAC 16-1	General Provisions
329 IAC 16-2	Definitions
329 IAC 16-4	Thermal or Chemical Treatment
329 IAC 16-5	Registration
329 IAC 16-8	Employee Training
329 IAC 16-9	Disposal of E-Waste
329 IAC 18-1-1	Applicability

RULES TO EXPIRE: None.

AUTHORITY: [IC 13-14-9.5](#).

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

This rulemaking is required under [IC 13-14-9.5](#), which provides for the expiration and readoption of administrative rules. All rules adopted after January 1, 2002, under [IC 13-14-9](#), expire on January 1 of the seventh year after the year in which each rule takes effect. The rules listed to be readopted have an expiration date of January 1, 2020. IDEM has chosen to readopt all affected rules at one time rather than readopt each rule separately as its expiration date approaches.

Under [IC 13-14-9.5-4](#), the department or board that has rulemaking authority under Title 13 may readopt all rules subject to expiration under one rule that lists all rules that are readopted by their titles and subtitles only. If no comments are received during the first comment period, IDEM may submit the rule for filing with the Publisher under [IC 4-22-2-35](#) and publish notice in the Indiana Register that the agency has readopted the rule.

STATUTORY AND REGULATORY REQUIREMENTS

[IC 13-14-9.5-4](#) requires that the following procedure be followed to readopt rules:

- (1) A notice listing all rules to be readopted by their titles and subtitles shall be submitted to the Publisher for publication in the Indiana Register.
- (2) If a person submits a written request and a basis for the request during the first comment period that a particular rule be readopted separately from the readoption rule that readopts all rules in one rulemaking, the agency must:
 - (A) consider readoption of that rule separately from the readoption rule; and
 - (B) follow the procedure for adoption of administrative rules under [IC 13-14-9](#) with respect to that rule.
- (3) If no written request is provided within the first comment period, the agency may submit the rule for filing with the Publisher under [IC 4-22-2-35](#) and publish a notice in the Indiana Register that the agency has readopted the rule.

REQUEST FOR PUBLIC COMMENTS

IDEM requests that any written comments requesting that a rule be readopted separately from this readoption rule include a basis for the request. Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:
LSA Document #19-249 2019 Title 329 Rule Readoption
Dan Watts
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204-2251
- (2) By facsimile to (317) 233-5970. Please confirm the timely receipt of faxed comments by calling the Rules

Development Branch at (317) 232-8922.

(3) By electronic mail to dwatts1@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the email address indicated in this notice.**

(4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, in order to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or time stamped not later than May 31, 2019. Hand-delivered comments must be delivered to the office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from Dan Watts, Rules Development Branch, Office of Legal Counsel, (317) 234-5345 or (800) 451-6027 (in Indiana).

Christine Pedersen, Section Chief
Rules Development Branch
Office of Legal Counsel

Posted: 05/01/2019 by Legislative Services Agency
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